

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney
JOANN M. SWANSON (CSBN 88143)
Chief, Civil Division
MELANIE L. PROCTR (CSBN 228971)
Melanie.Proctor@usdoj.gov
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-6730
FAX: (415) 436-7169

Attorneys for Respondents

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ANA BIOCINI,)	No. C 08-0885 SI
)	
Petitioner,)	
)	
v.)	
)	
MICHAEL MUKASEY, in his official)	STIPULATION TO DISMISS; PROPOSED
capacity as Attorney General of the United)	ORDER
States; et al.,)	
)	
Respondents.)	

///

///

///

///

///

///

///

///

///

///

///

On February 8, 2008, Petitioner filed the above captioned habeas petition. The Department of Homeland Security, Immigration and Customs Enforcement (“ICE”), has released Petitioner from custody, subject to the terms and conditions of the Intensive Supervision Appearance Program (“ISAP”). Accordingly, Petitioner has received the relief she sought, and the parties hereby stipulate to dismissal of the above entitled action as moot, without prejudice. Further, the parties stipulate that Petitioner’s claim under Count Three of the Complaint and Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief, claiming a violation under the Due Process Clause of the Fifth Amendment under the state created danger doctrine, be dismissed without prejudice.

The parties shall bear their own costs and fees.

Date: April 21, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Respondents

Dated: April 21, 2008

/s/

HOLLY S. COOPER
U.C. Davis Immigration Law Clinic
Attorney for Petitioner

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED. All pending deadlines are hereby TERMINATED. The Clerk shall close the file.

Dated:

SUSAN ILLSTON
United States District Judge

¹ I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this efiled document.